

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

GATLIN GARY MORGAN,

Plaintiff,

v.

WARDEN FNU ROSALEZ,

Defendant.

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1:24-CV-408-RP

**ORDER**

Before the Court is the report and recommendation of United States Magistrate Judge Mark Lane concerning Respond Warden FNU Rosalez's Motion to Dismiss, (Dkt. 5), Petitioner Gatlin Gary Morgan's ("Morgan") Petition for Writ of Habeas Corpus, (Dkt. 1). (R. & R., Dkt. 8). Morgan timely filed objections to the report and recommendation. (Objs., Dkt. 10).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Morgan timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in the report and recommendation, the Court overrules Morgan's objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Mark Lane, (Dkt. 10), is **ADOPTED**.

**IT IS FURTHER ORDERED** that Defendant Warden FNU Rosalez's motion to dismiss,(Dkt. 5), is **GRANTED**.

**IT IS FINALLY ORDERED** that Morgan's claims are **DISMISSED**. The motion to contest credit time, (Dkt. 6), is **MOOT**.

The Court will enter final judgment by separate order.

**SIGNED** on August 21, 2024.

A handwritten signature in blue ink, appearing to read "Robert Pitman", written over a horizontal line.

ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE